



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

POST OFFICE BOX 301463 36130-1463 • 1400 COLISEUM BLVD. 36110-2059

MONTGOMERY, ALABAMA

WWW.ADEM.STATE.AL.US

(334) 271-7700

BOB RILEY
GOVERNOR

JAMES W. WARR
DIRECTOR

Facsimiles: (334)

Administration: 271-7950
General Counsel: 394-4332

Air: 279-3044

Land: 279-3050

Water: 279-3051

Groundwater: 270-5631

Field Operations: 272-8131

Laboratory: 277-6718

Mining: 394-4326

Education/Outreach: 394-4383

June 3, 2004

Ms. Karen D. Higginbotham, Director
Office of Civil Rights
U.S. Environmental Protection Agency
Washington, D.C. 20460

Dear Ms. Higginbotham:

This will acknowledge receipt of your letter of May 24, 2004, which was received in my office on June 2, 2004. As you may recall, the subject of this correspondence was a compliance review of the Alabama Department of Environmental Management.

We are currently assessing the magnitude of the information you have requested and will be providing a written response. However, based on our preliminary assessment and our current personnel shortages in areas that will be involved in gathering this information, we do not believe a 45-day suspense is realistic. We will provide this information within 90 days of receipt of your letter, or sooner, as our resources will permit.

Sincerely,

James W. Warr
Director

JWW/rdg

cc: Yasmin Yorker, EPA Washington
Steve Pressman, EPA Associate General Counsel
Nancy Tommelleo, EPA Region 4
Marilyn Elliott, ADEM Deputy Director
Olivia Rowell, ADEM General Counsel





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 24 2004

JUN 2004
RECEIVED
ADEM
Administration

OFFICE OF
CIVIL RIGHTS

CERTIFIED MAIL #7002 2410 0004 4323 9931
RETURN RECEIPT REQUESTED

Mr. James W. Warr, Director
Alabama Department of Environmental Management
PO Box 301463
Montgomery, Alabama 36130-1463

Dear Mr. Warr,

This is to notify you that the U.S. Environmental Protection Agency ("EPA") Office of Civil Rights ("OCR") will conduct a compliance review of the Alabama Department of Environmental Management ("ADEM") in accordance with EPA's nondiscrimination regulations at 40 C.F.R. Part 7 (Nondiscrimination in Programs or Activities Receiving Federal Assistance from the EPA) and 40 C.F.R. Part 5 (Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance). These regulations provide that OCR may periodically conduct reviews of recipients' programs and activities to determine whether they are complying with the regulations which implement Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (prohibiting discrimination based on sex under programs or activities receiving financial assistance under the Clean Water Act). OCR is also charged with enforcing the Age Discrimination Act of 1975.

This compliance review will, in part, examine specific procedures all recipients are required to have in place to assure EPA they are operating their federally funded programs in a nondiscriminatory manner. Some of the specific procedures found at 40 C.F.R. Part 7 include:

- Public notification procedures
- Grievance procedures
- Coordination of compliance effort by designated official
- Self-evaluation procedures

To assist us in completing this review, please submit written responses to the attached questions to our Office within 45 days of the receipt of this letter. Upon receipt of the requested data and information, OCR will examine the information received, determine whether there is compliance with the applicable nondiscrimination regulations, and prepare a report of our preliminary findings and recommendations, if any, for achieving voluntary compliance. If necessary, OCR may later schedule an on-site review to further investigate suspected noncompliance.

In addition to the compliance review of ADEM, OCR will also conduct compliance reviews of three other recipient agencies this fiscal year. If you have any questions about this process or the enclosure, please contact Yasmin Yorker, Assistant Director of OCR's External Compliance Program, by telephone at (202) 343-9682, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460-1000. We look forward to reviewing the requested information.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Steve Pressman Associate General Counsel
Civil Rights Law Office (MC 2399A)

Nancy Tommelleo, Title VI Coordinator
EPA Region 4

EPA Office of Civil Rights Data Request
Alabama Department of Environmental Management

The information requested below is required to enable the U.S. Environmental Protection Agency (“EPA”) Office of Civil Rights (“OCR”) to determine whether the Alabama Department of Environmental Management (“ADEM”) is operating in a nondiscriminatory manner as required by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Section 13 of the Federal Water Pollution Control Act Amendments of 1972, and the Age Discrimination Act of 1975, as well as EPA’s implementing nondiscrimination regulations at 40 C.F.R. Part 7 (Nondiscrimination in Programs or Activities Receiving Federal Assistance from the EPA) and 40 C.F.R. Part 5 (Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance). If any of these requests for information have been filed in responses provided to other federal agencies within the last two years, ADEM has the option of responding anew or submitting a copy of the previous response. If ADEM believes there is a better way of responding to these requests for information, please specify.

1. Please provide the following information
 - Name and contact information of ADEM’s legal counsel, if any, for this review;
 - Name and address of each facility operated by ADEM;
 - A description of the scope and extent of ADEM’s operations (particularly those functions not described on the ADEM’s web site);
 - A description of the environmental programs administered and or any services provided directly to the public.
2. A list indicating the status of all civil rights lawsuits and formal complaints pending against ADEM or closed in the last two years. Specify the legal basis (race, sex, disability, etc.) and the issue in each lawsuit and complaint, and describe the disposition, where appropriate. At this time, please do not include lawsuits or formal complaints brought by employees of ADEM (*i.e.*, equal employment opportunity cases).
3. A list of all written objections received by ADEM in the last two years, not identified in request #2, involving polluting, siting or any other action on the part of ADEM or a regulated entity that allegedly adversely and disparately impacts a community based on race, color, national origin, sex, handicap, or age. (Include the name, address, telephone number, if available, of both the commenter and the alleged offender.)
4. Indicate whether any federal agency has conducted a civil rights compliance review of ADEM, in the last two years and provide a copy of any written reports prepared, either by the federal agency or ADEM, pursuant to these reviews. Include documentation of any remedial actions taken stemming from the review findings.

5. A list of all sub-recipients of EPA assistance to ADEM in the last year and the names of the entities or projects supported by that assistance. EPA OCR requests that the information be submitted electronically, if possible.
6. A description of ADEM's efforts to ensure that sub-recipients of EPA assistance are in compliance with applicable civil rights statutes and regulations.
7. A description of any initiatives by ADEM responding to concerns that communities are adversely and disproportionately impacted by ADEM's permitted facilities (*e.g.*, exposed to greater health risks based on race, color, national origin, sex, handicap or age).
8. A copy of any self-evaluation that ADEM has conducted with respect to its administrative policies and practices, and documentation of corrective action initiated with respect to services, policies, and practices that are inconsistent with Section 504 of the Rehabilitation Act of 1973. The contents of the self-evaluation 'file' including (1) a list of the interested persons consulted; (2) a description of areas examined and any problems identified; and (3) a description of any modifications made.
9. A copy of ADEM's discrimination grievance procedures, notice of nondiscrimination, and any other written public or internal nondiscrimination policy statements.
10. A description of the methods used by ADEM to provide initial and continuing notice that it does not discriminate on the bases of race, color, national origin, sex, age, or handicap. (Appropriate means for communicating notice include publication of information in handbooks, pamphlets, manuals, the display of informational posters in public places, and broadcast of information by television or radio).
11. A description of ADEM's public participation policies and procedures with regard to the permitting process, including any relevant written documents.
12. The name and telephone number of the person responsible for completing this questionnaire.

Complete and submit within 45 days of receipt of this letter.

Submit to Yasmin Yorker, Assistant Director External Compliance
U.S. EPA - Office of Civil Rights (MC 1201A)
1200 Pennsylvania Ave., NW
Washington, DC 20460

ADEM



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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October 18, 2004

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MEMORANDUM #108

SUBJECT: PROCEDURE FOR TITLE VI OR ENVIRONMENTAL JUSTICE FILING OF
DISCRIMINATION COMPLAINTS

GENERAL

This memorandum is intended to provide guidance to anyone who has reason to believe they have been discriminated against by the Alabama Department of Environmental Management (ADEM) on the basis of:

- race;
- color;
- national origin;
- disability;
- age; or
- sex.

This memorandum, in compliance with 40 CFR §§ 5.135 and 7.90, provides a step-by-step procedure for filing a timely complaint to the proper authority and describes the process that will be used to investigate and resolve the complaint. However, these procedures do not apply to administrative actions which are being pursued in another forum.

SUBMISSION OF COMPLAINT

A. Filing Complaints of Discrimination.

- (1) Complainants may submit written complaints to ADEM's Title VI/Environmental Justice (EJ) Coordinator at ADEM which is located at 1400 Coliseum Blvd., Montgomery, Alabama 36110-2059. ADEM's mailing address is P.O. Box 301463, Montgomery, Alabama 36130-1463.
- (2) In cases where the complainant is unable or incapable of providing a written statement, but wishes ADEM to investigate alleged discrimination, a verbal complaint of discrimination may be made to ADEM by calling the EJ Coordinator at (334) 271-7700. The complainant will be interviewed by an ADEM employee who, if necessary, will assist the person in converting verbal complaints in writing. All complaints must, however, be signed by the complainant or his/her representative.
- (3) Complaints must be filed with the Title VI/EJ Coordinator at ADEM within 90 days of an alleged discriminatory act. ADEM has the authority to waive the 90-day time period required for filing a complaint if the complainant can demonstrate that the failure to file was based on "good cause." If the complainant wishes to request a waiver, the

Birmingham Branch
110 Vulcan Road
Birmingham, Alabama 35209-4702
(205) 942-6168
(205) 941-1603 [Fax]

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, Alabama 35603-1333
(256) 353-1713
(256) 340-9359 [Fax]

Mobile Branch
2204 Perimeter Road
Mobile, Alabama 36615-1131
(251) 450-3400
(251) 479-2593 [Fax]

Mobile – Coastal
4171 Commanders Drive
Mobile, Alabama 36615-1421
(251) 432-6533
(251) 432-6598 [Fax]



Printed on Recycled Paper

complainant must submit a detailed written description explaining why the complainant failed to file the complaint within 90 days of the alleged act(s) of discrimination.

B. Complaint Format.

- (1) All complaints must be in writing and signed by the complainant or his/her representative before ADEM can respond. Complaints shall:
 - a. describe with specificity the action(s) that allegedly intentionally discriminate or result in discrimination in violation of 40 CFR Parts 5 and 7;
 - b. describe with specificity the impact that allegedly has occurred or will occur as the results of such action(s); and
 - c. identify the parties subjected to, impacted by, or potentially impacted by the alleged discrimination.
- (2) ADEM will provide the complainant or his/her representative with a written acknowledgement within ten working days that ADEM has received the complaint.

C. Determination of Jurisdiction and Investigative Merit.

The EJ Coordinator, based on the information in the complaint and additional information provided by the alleged civil rights violator(s), will determine if ADEM has jurisdiction to pursue the matter and whether the complaint has sufficient merit to warrant an investigation. These determinations will be made within 15 working days after the receipt of the complaint by ADEM. A complaint shall be regarded as meriting investigation unless:

- (1) It clearly appears on its face to be frivolous or trivial;
- (2) Within the time allotted for making the determination of jurisdiction and investigative merit, ADEM voluntarily concedes noncompliance and agrees to take appropriate remedial action or reaches an informal resolution with the complainant;
- (3) Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or
- (4) It is not timely and good cause does not exist for waiving the requirement.

INVESTIGATION

If the Title VI/EJ Coordinator accepts the complaint, the Coordinator will designate an individual to investigate the allegation(s). After examining all of the information in light of the requirements in 40 C.F.R. Parts 5 and 7, the investigator will draft a report with findings and recommendations.

A. Request for Additional Information from the Complainant.

In the event that the complainant has not submitted sufficient information to make a determination of jurisdiction or investigative merit, ADEM may request additional information. This request shall be made within 15 working days of the receipt of the complaint by ADEM and will require that the

Memorandum #108
Page Three
October 18, 2004

party submit the information within 60 working days from the date of the original request. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for determination of no investigative merit.

B. Request for Information Involving Third Party Entities.

In the case of complaints involving third party entities; e.g. a sub-recipient, permit applicant or permittee, ADEM will notify the third party entity that the complaint has been received no later than the time of the written notice provided to a complainant that the complaint is complete. At such time, ADEM will ask the third party entity to provide information necessary for ADEM to investigate the complaint. ADEM will use the information provided by the third party entity and the complainant in resolving the complaint.

DISPOSITION OF COMPLAINTS

Within 180 days of accepting the complaint, the Office of the Director will issue a written decision approving or disapproving the findings and recommendations made in the investigative report. ADEM will implement and recommendations approved by the Office of the Director. The consequent disposition of the complaint will be communicated to the complainant in writing.

In addition, complaints may be filed in accordance with 40 C.F.R. Parts 5 and 7 with the U.S. EPA, Office of Civil Rights, 1200 Pennsylvania Avenue, N.W., Mail Code 1201A, Washington, DC 20460-1000, instead of following the ADEM grievance process.



James W. Warr, Director

Welcome To The
ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



(334) 271-7700 1400 Coliseum Blvd. Montgomery, AL 36110
mailing address: Post Office Box 301463, Montgomery, AL 36130-1463

Nondiscrimination



POLICY OF NONDISCRIMINATION

The Alabama Department of Environmental Management does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the administration of its programs or activities, in accordance with applicable laws and regulations.

The Department has designated responsibility for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements, as implemented by 40 C.F.R. Parts 5 and 7 to:

Title VI/Environmental Justice Coordinator
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, Alabama 36130-1463
334/271-7700

The Department appoints employees based on an equal opportunity, merit basis, without regard to race, color, national origin, sex, religion, age or disability.



"Garthright, Lynn"
<CLG@adem.state.al.us>

09/10/2004 05:49 PM

To: Tom Walker/DC/USEPA/US@EPA
cc: "Elliott, Marilyn" <MGE@adem.state.al.us>
Subject: Grievance Procedures

Tom: Sorry it took awhile, but we have had problems with computer servers and e-mail this week since Hurricane Frances hit this past weekend.

- If a citizen lodges a civil rights compliant alleging discrimination with regard to an ADEM administrative action, this citizen can use the Code of Alabama (1975) 22-22A-7(c)(1) as the grievance procedure (as required by 40 CFR 7.90) and that in general civil rights complaints fall within the jurisdiction of the Environmental Management Commission as based on the Code of Alabama (1975). Am I interpreting your e-mail correctly?

Response: The Environmental Management Commission is a separate body of seven (7) individuals that among other duties, serves as the appellate body for ADEM administrative actions. The Commission has been in existence since 1982 and has not received a request for a hearing on an administrative action alleging discrimination as the basis. As in any other request for hearing, the Commission would determine its jurisdiction on a case-by-case basis.

- Question: Do public meetings, public hearings, etc. qualify as administrative actions?

Response: Public meetings and public hearings are an extension of the public participation phase of the Department's permitting, enforcement and rulemaking processes, all of which are administrative actions.

- Also what procedures are in place allowing a citizen to lodge a complaint alleging discrimination against an ADEM employee? Would this scenario also qualify as an administrative action?

Response: Any citizen can lodge a complaint alleging discrimination or any other complaint against an ADEM employee through a telephone call, e-mail, or written correspondence. The Department investigates all complaints that are filed against ADEM employees. Investigations that reveal inappropriate actions by an employee would dictate that the Department discipline the employee in accordance with Department/State Personnel procedures, consistent with State Personnel Board Rule 670-X-18-.02(3).

Also, I am attaching a new poster for our policy of non-discrimination.

<<POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITYrev.ppt>>

Lynn Garthright
Office of Planning and Public Affairs
Alabama Department of Environmental Management
334-271-7718



POLICY OF NON-DISCRIMINATION

GENERALLY - *The Alabama Department of Environmental Management* does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the admission or access to its programs, policies or activities.

EQUAL EMPLOYMENT OPPORTUNITY - *The Alabama Department of Environmental Management* appoints employees based on an equal opportunity, merit basis, without regard to race, color, national origin, sex, religion, age or disability.

Vickie Walters, ADEM Personnel, has been designated to coordinate compliance with the non-discrimination requirements contained in 28 CFR, §35.107 of the Department of Justice regulations. Information concerning the provisions of the American with Disabilities Act, the rights provided thereunder and the ADA Grievance Procedure are available from the ADA coordinator, Vickie Walters.



"Gartright, Lynn"
<CLG@adem.state.al.us>
09/08/2004 10:22 AM

To: Tom Walker/DC/USEPA/US@EPA
cc: "Elliott, Marilyn" <MGE@adem.state.al.us>
Subject: Grievance Procedures

Dear Mr. Walker:

We have reviewed the Montgomery MPO draft procedures for filing discrimination complaints. The MPO, unlike ADEM, does not have regulations in place that would cover aggrieved parties. Thus, the MPO has only drafted a formalized policy.

We have consulted with our General Counsel, Olivia Rowell who states "*Code of Alabama* (1975), § 22-22A-7(c)(1), as amended, permits any person aggrieved by an administrative action of the Department to file a request for hearing with the Environmental Management Commission. If the request falls within the Commission's jurisdiction, the Commission must commence the hearing within 45 days of the filing of the request. A final decision regarding the Department's administrative action must be made within 30 days of the close of the hearing record. The procedures for Commission hearings may be found at ADEM Admin. Code Chap. 335-2-1."

We will change our poster on nondiscrimination and send you an e-mail copy by the end of the week.

Lynn Gartright
Office of Planning and Public Affairs
Alabama Department of Environmental Management
334-271-7718
clg@adem.state.al.us

Controlled Correspondence For
OFFICE OF CIVIL RIGHTS

TITLE VI (EXTERNAL COMPLIANCE) ACTION CORRESPONDENCE

CONTROL NO : OCR-0400504

ORIG. DUE DATE:

FILE CODE: EO CORR 127 GENERAL CORR-EPA OFFICES (EO)

STATUS: CONTROLLED **CORRES. DATE:** 08/30/2004
RECEIVED DATE: 09/08/2004
ASSIGNED DATE: 09/08/2004
CLOSED DATE:

FROM: JAMES W. WARR, DIRECTOR

ORG: ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAMENT (ADEM);
P.O. BX 301463 36130-1463; 1400 COLISEUM BLVD; MONTGOMERY; AL
36110-2059

SALUTATION:

CONSTITUENT:

TO: HIGGINBOTHAM/KAREN D.

TO ORG: OCR DIRECTOR

SUBJECT: COMPLETION OF RESPONSE - MAY 24, 2004 DATA REQUEST

ASSIGNED: TITLE VI EXTERNAL GUIDANCE

COPIES OF INCOMING PROVIDED TO:

SIGNATURE:

OCR COMMENTS:

OCR INSTRUCTIONS:

Please review the enclosed correspondence and inform Stephanie of which person on your team will be assigned to this correspondence (if other than yourself). If a response is prepared for signature please include this incoming document and provide a ledger line on yellow file copy, if not please inform Stephanie of control number for close out

| | Assigned | Date Assigned | Code/Status | Date Completed by Assignee | Date Returned to OCR : |
|------|-------------------|---------------|-------------------------|----------------------------|------------------------|
| Lead | YORKER, YASMIN | 09/08/2004 | FOR YOUR INFORMATION | - | - |



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

POST OFFICE BOX 301463 36130-1463 ♦ 1400 COLISEUM BLVD. 36110-2059

MONTGOMERY, ALABAMA

WWW.ADEM.STATE.AL.US

(334) 271-7700

JAMES W. WARR
DIRECTOR

BOB RILEY
GOVERNOR

August 30, 2004

CERTIFIED MAIL #7000 0600 0027 9016 6433
RETURN RECEIPT REQUESTED

Ms. Karen D. Higginbotham, Director
U.S. Environmental Protection Agency
Office of Civil Rights (Mail Code 1201A)
1200 Pennsylvania Ave., NW
Washington, D.C. 20460-1000

Dear Ms. Higginbotham:

On July 16, 2004, the Department provided your office with our response to your May 24, 2004, data request with the exception of item 3. The response was sent via certified mail, as well electronic download from our web server. This letter serves to complete the Department's response to item 3.

Item 3. requested "A list of all written objections received by ADEM in the last two years, not identified in request #2, involving polluting, siting or any other action on the part of ADEM or a regulated entity that allegedly adversely and disparately impacts a community based on race, color, national origin, sex, handicap, or age. (Include the name, address, telephone number, if available, of both the commenter and alleged offender)."

The Department's media programs, as well as our Permits and Services Division, were extensively queried resulting in only one written objection to report. We received an e-mail from Mr. Lorenza Ferrell, 3379 Ashurst Bar Road, Tallassee Alabama, 36078 (phone: 334-283-4520). Mr. Ferrell has written the Department, as well as other agencies (Tallapoosa County Administrator, County Commissioner District 5, Tallassee City Mayor, Alabama Department of Transportation, Alabama Department of Public Health, Alabama State Representative Betty Caroi Graham, and Alabama State Senator T. D. Little, and NAACP Leaders), regarding the operations of the Tallassee Waste Disposal Center, a landfill operating in Tallapoosa County. Staff members at Region 4, Davy Simonson, Brian Holtzclaw, Cynthia Peurifoy, Jay Bassett, Jon Johnston, and Dawn Crew were also contacted by Mr. Ferrell.

In addition, in a recent telephone conversation with Mrs. Elliott of our office, Mr. Tom Walker of your staff requested further clarification on the following issues:

1. How would citizens file a grievance with the Department?

Response: A citizen can do one of the following:

- a. Use the Feedback page of the Department's website to offer comments or concerns [See <http://www.adem.state.al.us/feedback.htm>.]



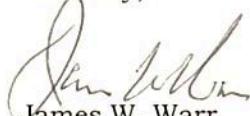
Ms. Karen D. Higginbotham
Pate Two
August 30, 2004

- b. Use the Department's toll-free telephone number to contact the Ombudsman.
 - c. Upon a proper request made and filed in accordance with ADEM Administrative Code (see <http://www.adem.state.al.us/Regulations/Div2/Div2.htm>), any person aggrieved by an administrative action of the Department shall be entitled to a hearing before the Commission or its designated Hearing Officer.
2. Provide a copy of the Department's Notice of Nondiscrimination (see attached).
 3. Explain how the Department would assist non-English speaking groups at public hearings.

Response: In the Department's hearing notices we include language for a staff person's name and phone number if special accommodations are required. This can include physical or language accommodations. We have agreements with local university systems such as Auburn University at Montgomery (AUM) and Troy University to provide interpreters for foreign languages as well as American Sign Language for the deaf.

If you have any questions about this response or require additional information, please do not hesitate to contact Mrs. Marilyn G. Elliott, Deputy Director, at (334) 271-7710. We look forward to working with you in this review.

Sincerely,



James W. Warr
Director

JWW/clg

Attachment

cc: Olivia Rowell, General Counsel
Office of General Counsel

Yasmin Yorker, Assistant Director
OCR External Compliance Program

POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY

The **Alabama Department of Environmental Management** does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

Vickie Walters, ADEM Personnel, has been designated to coordinate compliance with the non-discrimination requirements contained in section 35.107 of the Department of Justice regulations.

Information concerning the provisions of the American with Disabilities Act, the rights provided thereunder and the ADA Grievance Procedure are available from the ADA coordinator.

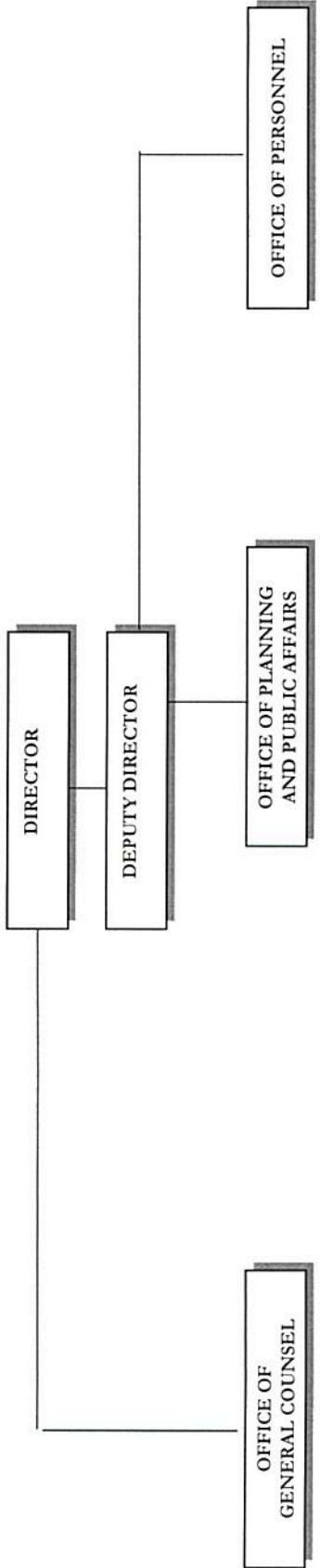
EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The **Alabama Department of Environmental Management** does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

Question 1.c.
Question 1.d.
Attachment 1

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF THE DIRECTOR



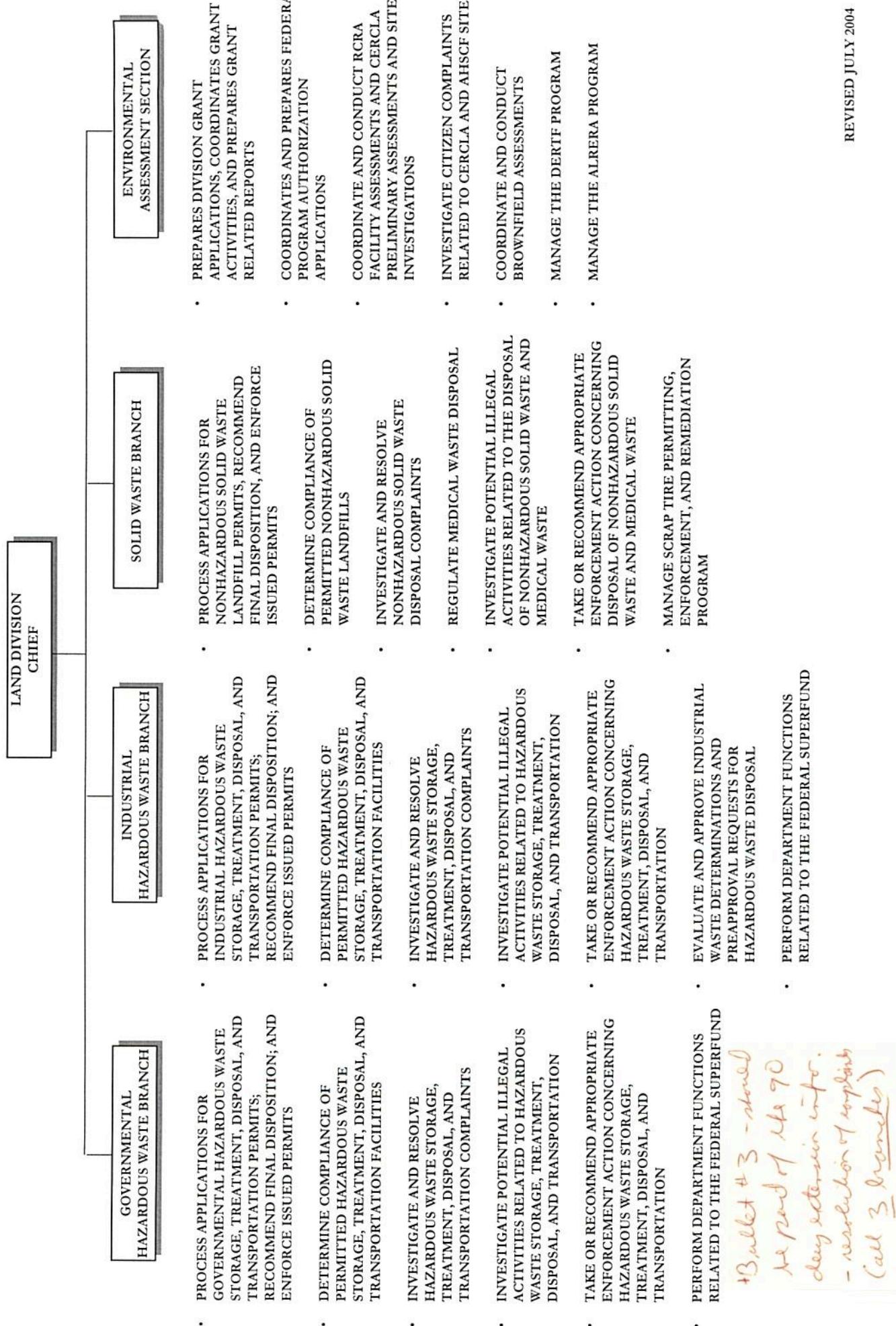
- REPRESENTS DEPARTMENT IN APPEALS AND ADMINISTRATIVE ACTIONS
- REPRESENTS DEPARTMENT IN LITIGATION
- PREPARES AND REVIEWS LEGISLATION AND REGULATIONS
- DRAFTS ADMINISTRATIVE ORDERS
- REVIEWS AND INTERPRETS RULES AND REGULATIONS
- REVIEWS AND APPROVES CONTRACTS
- REVIEWS AND APPROVES LEASES
- REVIEWS AND APPROVES EEOC, PERSONNEL, AND OTHER MATTERS
- PREPARES ADVISORY OPINIONS
- RESPONDS TO INQUIRIES FROM THE NEWS MEDIA AND VARIOUS PUBLICS
- ISSUES NEWS/PRESS RELEASES
- PRODUCES NEWSLETTER
- PRODUCES ANNUAL ENVIRONMENTAL REPORT
- COORDINATES ENVIRONMENTAL JUSTICE ACTIVITIES
- ADVISES DEPARTMENTAL PERSONNEL ON PUBLIC AFFAIRS ISSUES
- PROVIDES HEARING OFFICER IN RULEMAKING AND PERMIT HEARINGS
- PREPARES/EDITS SPECIAL REPORTS, BROCHURES, ETC.
- PROVIDES ALL SERVICES RELATED TO PERSONNEL RESOURCES

Request
1 C

They coordinate EJ.
- diversity concerns EJ
w/ TCEQ
- diversity have specific
requirements for TCEQ
- Do they open
coordination w/ Office
of Education &
Civitanach?

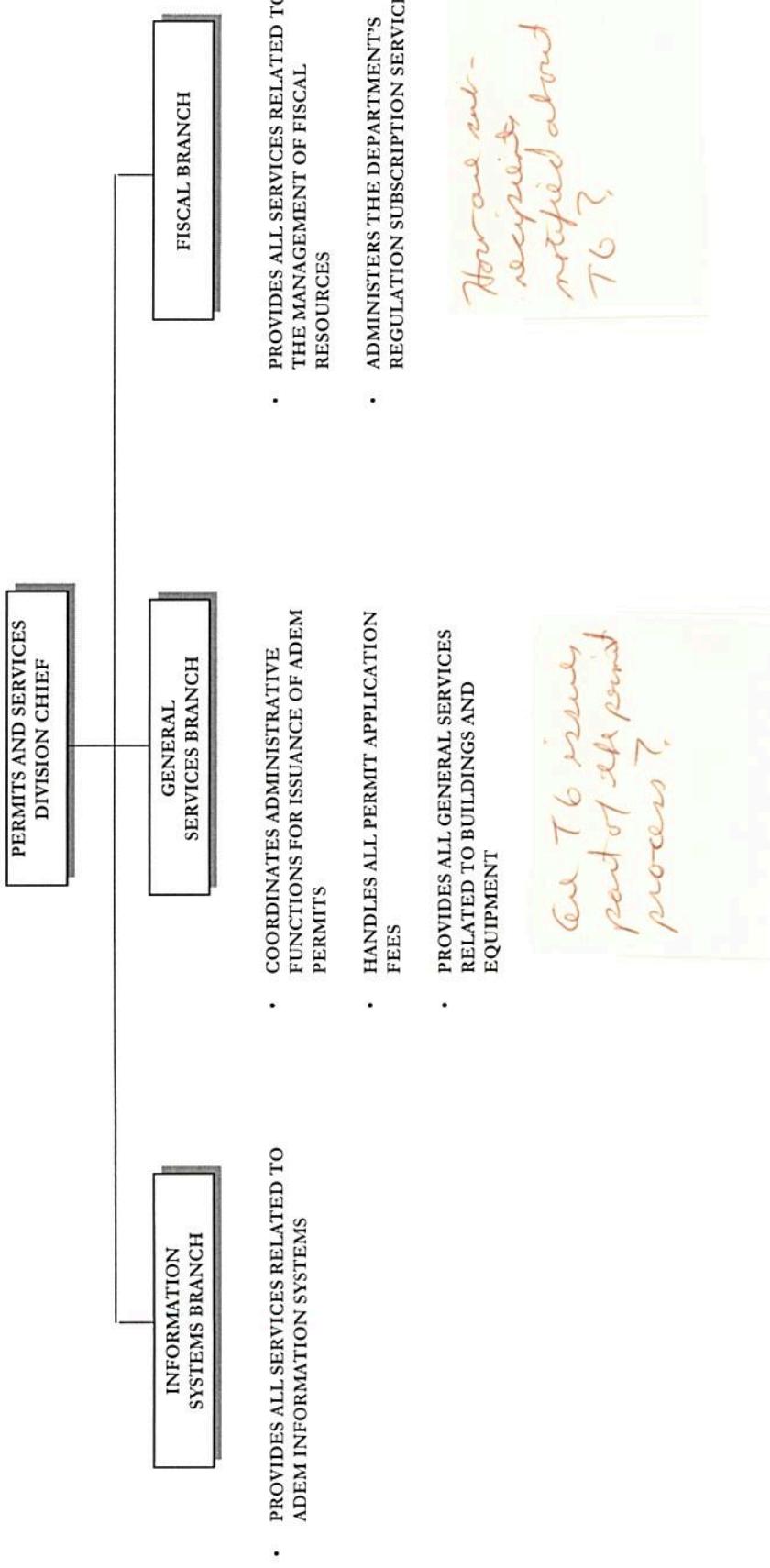
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

LAND DIVISION



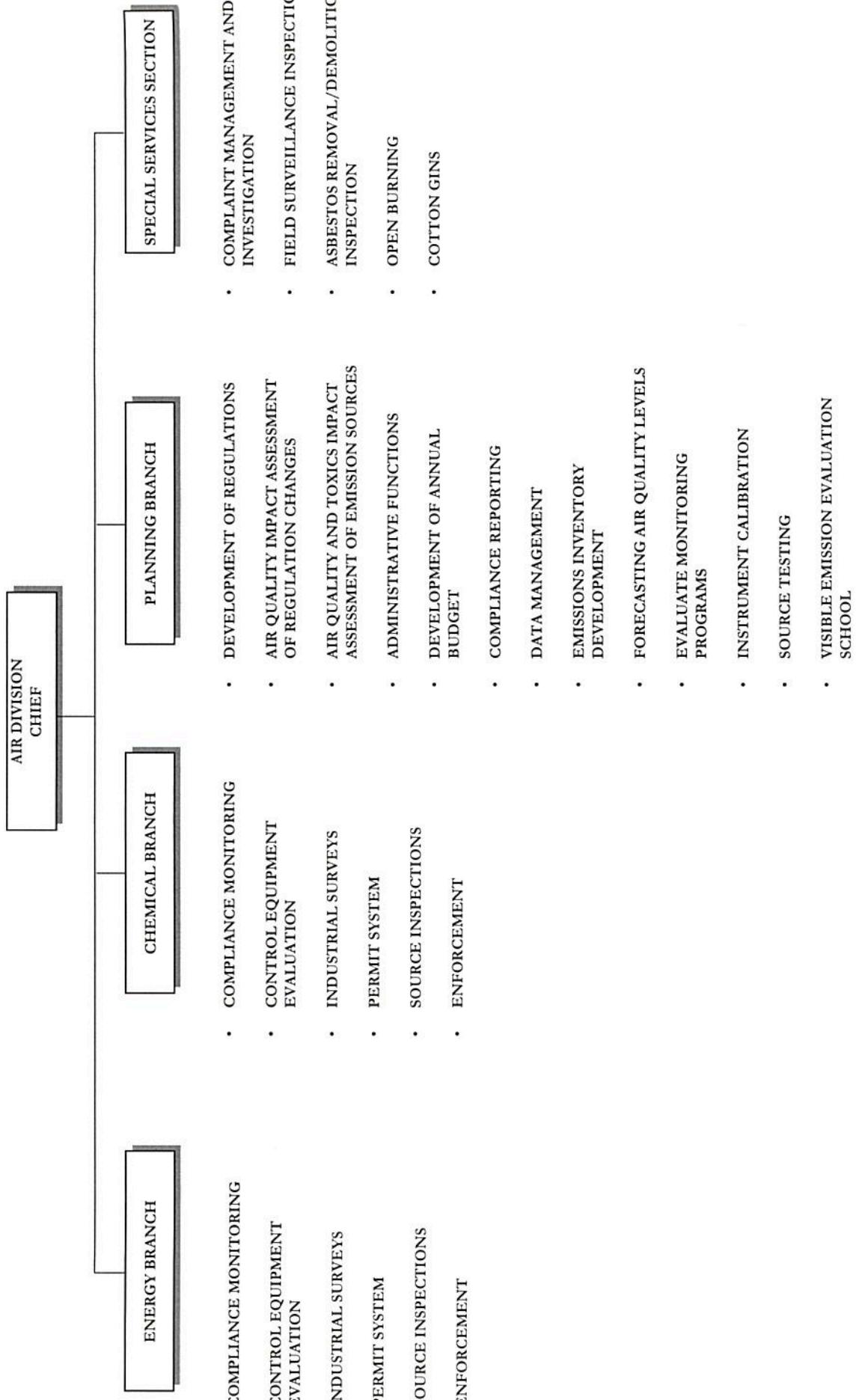
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PERMITS AND SERVICES DIVISION



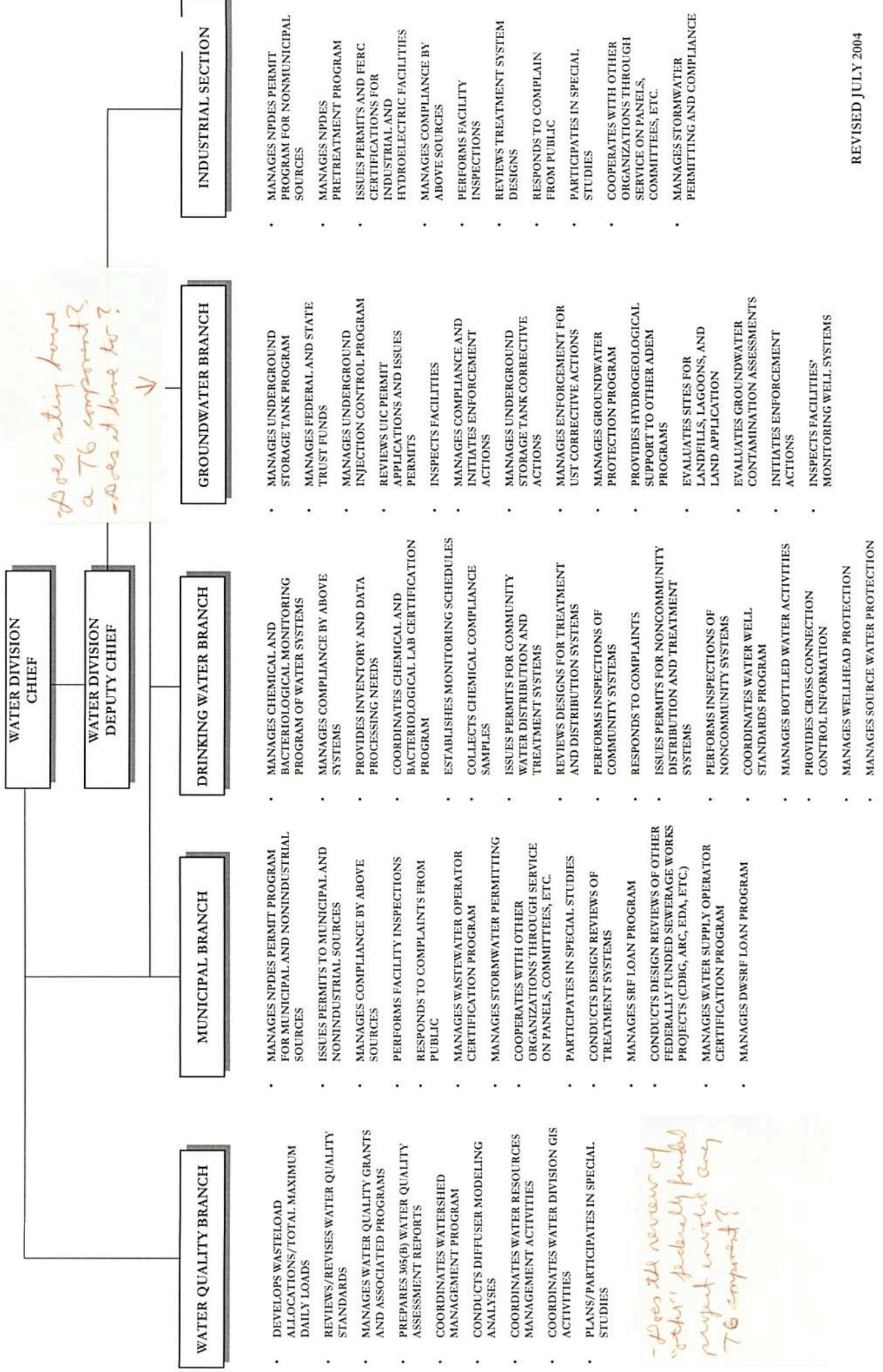
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

AIR DIVISION



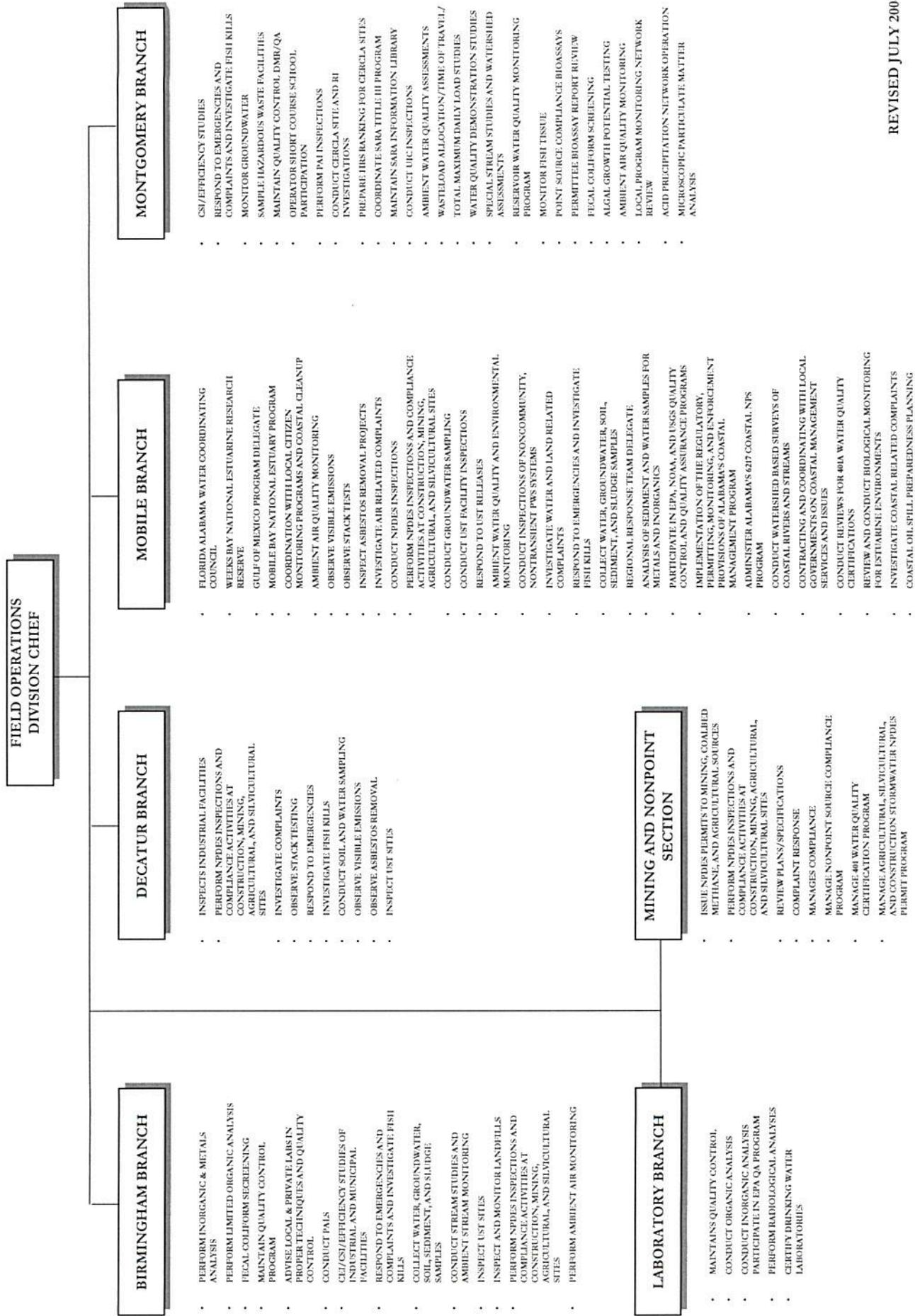
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

WATER DIVISION



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

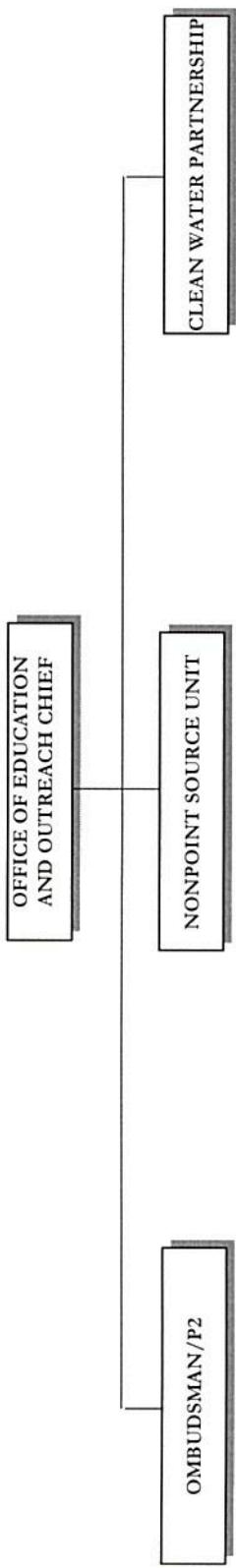
FIELD OPERATIONS DIVISION



REVISED JULY 2004

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF EDUCATION AND OUTREACH



- OPERATES DEPARTMENTAL TOLL FREE PHONE LINE
- OVERSEES THE ADMINISTRATION OF THE CWA SECTION 319 NPS DEMONSTRATION GRANT AND PROJECTS
- PROVIDES CONFIDENTIAL ASSISTANCE ON ENVIRONMENTAL MATTERS TO BUSINESS, INDUSTRY, LOCAL GOVERNMENTS, AND THE PUBLIC
- ASSISTS IN THE DEVELOPMENT OF WORKSHOPS AND PRINTED MATERIALS DESIGNED TO EDUCATE BUSINESS, INDUSTRY, LOCAL GOVERNMENTS, AND THE PUBLIC ON ENVIRONMENTAL REGULATIONS AND INITIATIVES
- RECEIVES AND COORDINATES COMPLAINTS REGARDING ENVIRONMENTAL PROBLEMS OR ACTIVITIES OF THE DEPARTMENT
- IMPLEMENTS MULTIMEDIA PROGRAMS UNDER THE POLLUTION PREVENTION ACT OF 1990
- PLANS AND COORDINATES NPS RELATED WATER POLLUTION CONTROL EFFORTS STATEWIDE
- PROMOTES VOLUNTARY COMPLIANCE WITH WATER QUALITY STANDARDS, RULES, AND REGULATIONS IN THE ABSENCE OF A PERMITTING PROGRAM
- PROMOTES CITIZEN OR COMMUNITY-BASED ENVIRONMENTAL PROTECTION ACTIVITIES
- PROVIDES TECHNICAL AND EDUCATIONAL ASSISTANCE TO NPS POLLUTION CONTROL STAKEHOLDERS
- PROMOTES P2 PRACTICES
- IMPLEMENTS P2 EDUCATION AND OUTREACH ACTIVITIES
- PROVIDES P2 TECHNICAL ASSISTANCE
- COLLECTS AND ANALYZES DATA FOR P2 MEASUREMENT

*What's up w/
the confidential
assistance? What
type of matters
would be addressed?
- local health
over recent or the
last complaint?*

*What's up w/
the confidential
assistance? What
type of matters
would be addressed?
- local health
over recent or the
last complaint?*

*How does the
nonpoint source
complaints w/
Office of Planning
& Public Affairs*

ADEM FEDERAL GRANT AWARDS

07/08/04 (Last Update)

| GRANT ID NUMBER | DESCRIPTION | ADEM ID | BUDGET PERIOD | FED TOTAL | ST MATCH | FED % | STATE % |
|-----------------|-----------------------------|---------|----------------------|-----------|-----------|---------|---------|
| X297485403 | NEIEN | 4185 | 04/15/03 TO 02/01/05 | 75,000 | | 100.00% | 0.00% |
| LS97442002 | Tank Trust Fund | 1201 | 04/03/02 TO 09/03/04 | 3,188,437 | 369,057 | 89.63% | 10.37% |
| LP97465902 | UST Fields Pilot Project | 3206 | 09/01/02 TO 09/30/04 | 100,000 | 12,000 | 89.29% | 10.71% |
| 100401004 | Surface Water | 4210 | 10/01/03 TO 09/30/04 | 3,970,127 | 3,174,647 | 55.57% | 44.43% |
| 197497104 | Ground Water | 4211 | 10/01/03 TO 09/30/04 | 513,800 | | 100.00% | 0.00% |
| G00435104 | ULC | 4212 | 10/01/03 TO 09/30/04 | 141,350 | 101,824 | 58.13% | 41.87% |
| C99469903 | 319(H) Non-Point | 3213 | 10/01/02 TO 09/30/09 | 4,547,000 | 3,031,333 | 60.00% | 40.00% |
| C600474704 | Water Quality Planning | 4214 | 10/01/03 TO 09/30/04 | 298,419 | | 100.00% | 0.00% |
| L00450504 | UST Regulatory | 4215 | 10/01/03 TO 09/30/04 | 186,675 | 629,579 | 22.87% | 77.13% |
| C999469902 | 319(H) Non-Point | 2216 | 10/01/01 TO 09/30/08 | 4,547,000 | 3,281,124 | 58.09% | 41.91% |
| MX97488403 | Threemile Creek TMDL | 4217 | 08/15/03 TO 09/30/05 | 48,614 | | 100.00% | 0.00% |
| CP97430301 | Black Warrior WRAS | 2218 | 10/01/01 TO 10/01/04 | 200,000 | 10,000 | 95.24% | 4.76% |
| C999469999 | FY99 319(H) CWAP | 9219 | 10/01/98 TO 09/30/05 | 1,957,900 | 1,310,715 | 59.90% | 40.10% |
| C999469901 | 319(H) Non-Point | 1230 | 10/01/00 TO 12/31/08 | 4,522,400 | 3,014,933 | 60.00% | 40.00% |
| C999469997 | 319(H) Non-Point | 7234 | 10/01/96 TO 11/14/04 | 1,952,617 | 1,862,497 | 51.18% | 48.82% |
| C999469998 | 319(H) Non-Point | 8236 | 10/01/97 TO 09/30/04 | 2,050,200 | 1,366,800 | 60.00% | 40.00% |
| CD98497300 | Baldwin Co Wetlands | 1237 | 10/01/00 TO 09/30/04 | 440,000 | 146,667 | 75.00% | 25.00% |
| C999469900 | 319(H) Non-Point | 238 | 10/01/99 TO 09/30/06 | 3,884,900 | 2,596,374 | 59.94% | 40.06% |
| C999469999 | 319(H) Non-Point | 9239 | 10/01/98 TO 09/30/05 | 1,952,600 | 1,297,467 | 60.08% | 39.92% |
| F00429104 | Public Drinking Water | 4240 | 10/10/03 TO 09/30/04 | 1,119,641 | 382,248 | 74.55% | 25.45% |
| WP97465802 | Drinking Water Sys Security | 3243 | 10/10/02 TO 10/30/05 | 279,500 | | 100.00% | 0.00% |
| XP97473703 | STAG Oversight Grant | 3249 | 03/01/03 TO 02/28/06 | 500,000 | | 100.00% | 0.00% |
| CT97455102 | Operator Cert (ERG) Prog | 3269 | 07/01/02 TO 06/30/05 | 11,000 | | 0% | 0% |
| T974150001 | Shelby Wastewater Grant | 2276 | 01/22/02 TO 01/21/05 | 1,672,900 | | 0% | 0% |
| PM97474003 | AIR 103PM Monitoring | 3325 | 04/01/03 TO 09/30/05 | 663,372 | | 0% | 0% |
| A00400104 | Air Pollution Control | 4330 | 10/10/03 TO 09/30/04 | 1,327,822 | 1,112,469 | 9% | 9% |
| D00400904 | RCRA | 4421 | 10/01/03 TO 09/30/04 | 2,628,396 | 876,126 | 31% | 69% |
| V97439101 | Targreted Brownfields | 2426 | 10/10/01 TO 11/30/04 | 262,000 | | 0% | 0% |
| K00460804 | TSCA | 4427 | 10/01/03 TO 09/30/04 | 28,797 | 9,599 | 33% | 66% |
| RP97484203 | BROWNFIELDS | 4428 | 07/01/03 TO 09/30/04 | 1,000,000 | | 0% | 0% |
| VC97492703 | CORE | 4429 | 10/01/03 TO 09/30/04 | 213,600 | 23,734 | 4% | 4% |
| K98480899 | CAFO Grant | 504 | 09/20/99 TO 04/20/06 | 500,000 | 190,000 | 100.00% | 0.00% |
| CP97447002 | Algae/Stream Nutrients | 2508 | 05/01/02 TO 09/05/04 | 104,500 | 5,500 | 95.00% | 5.00% |
| R82847101 | Coastal 2000 | 507 | 06/15/00 TO 06/14/05 | 875,000 | 179,080 | 83.01% | 16.99% |
| CU97443702 | Beach Monitoring Grant | 2509 | 03/01/02 TO 10/01/04 | 583,217 | | 100.00% | 0.00% |
| V97463502 | CERCLA | 3522 | 10/01/02 TO 09/30/04 | 997,448 | 0 | 100.00% | 0.00% |
| VC97438601 | VCP | 2526 | 10/10/01 TO 09/30/03 | 368,027 | 40,892 | 90.00% | 10.00% |
| V00486801 | SACA | 1533 | 10/01/90 TO 09/30/04 | 1,145,941 | | 100.00% | 0.00% |
| NP97420204 | PPIIS 2004 | 4542 | 10/01/03 TO 09/30/04 | 80,000 | 60,000 | 57.14% | 42.86% |

**Question 5.
Attachment 2**

List of A.L.
subrecipients

Contractee

ProjectDescription

ProjectDescription

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| Perry, Pyron & McCown Consultants, Inc. | Investigative and remediation services at leaking underground provide emergency response actions and supply alternate water supplies. |
| Bhate Environmental, Inc. | Investigative and remediation services at leaking underground provide emergency response actions and supply alternate water supplies. |
| Bondurant Environmental Consultants, Inc. | Investigative and remediation services at leaking underground provide emergency response actions and supply alternate water supplies. |
| ARCADIS Geraghty & Miller, Inc. | Investigative and remediation services at leaking underground provide emergency response actions and supply alternate water supplies. |
| Ecology and Environment, Inc. | Investigative and remediation services at leaking underground storage tank sites; provide emergency response actions and supply alternate water supplies. |
| Gallet & Associates, Inc. | Investigative and remediation services at leaking underground storage tank sites; provide emergency response actions and supply alternate water supplies. |
| TTL, Inc. | Investigative and remediation services at leaking underground storage tank sites; provide emergency response actions and supply alternate water supplies. |
| The Nature Conservancy Tennessee Valley Resource Conservation and Development Council | a Water Quality Coordinator (WQC) and Education/Outreach Specialist with the State Soil and Water Conservation Committee. identification of threatened and endangered species in the Coosa River basin and Cotaco and Eightmile Creek watersheds. poultry litter to produce a compost product for market outside the affected watershed. |
| Cherokee County Commission | Development of a Watershed Management Plan for the Coosa River from the CWA 303(d) list. and maintain beneficial uses of water, maintain water quality standards, and facilitate removal of the Coosa River from the CWA 303(d) list. |
| St. Clair and Etowah Co. SWCD Morgan County Soil and Water Conservation District Cherokee Co. Soil and Water Conservation District | Development of a Watershed Management Plan for the Cotaco Creek from the CWA 303(d) list. and maintain beneficial uses of water, maintain water quality standards, and facilitate removal of Cotaco Creek from the CWA 303(d) list. |
| The Water Works and Sewer Board of the City of Gadsden Cullman County Soil and Water Conservation District | Development of a Watershed Management Plan for the Eightmile Creek from the CWA 303(d) list. and maintain beneficial uses of water, maintain water quality standards, and facilitate removal of Eightmile Creek from the CWA 303(d) list. |

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| Tennessee Valley Resource Conservation and Development Council Madison County Soil and Water Conservation District Alabama Soil and Water Conservation Committee | counties of north Alabama. Educational materials will be produced and distributed emphasizing the importance of maintenance of these systems and how to predominantly rural-based nps problems in the Flint River watershed through cooperative efforts that maintain, improve, and protect the physical, chemical, and Funding to continue the Nonpoint Source Assessment process required by the EPA. |
| Auburn University Franklin County Soil and Water Conservation District Center for Environmental Research & Service, TSU | Alabama Water Watch Program office and staff who will work statewide to promote citizens volunteer monitoring. |
| Repton Water Works Alabama Department of Conservation and Natural Resources Barry A. Vittor and Associates, Inc. | predominantly rural-based nps problems in the Bear Creek watershed through cooperative efforts that maintain, improve, and protect the physical, chemical, Alabama Polluted Runoff Prevention and Erosion Control Education Coordinator |
| Alabama Department of Public Health University of West Alabama Auburn University Down To Earth, Inc. Cherokee County Soil and Water Conservation District Sumter County Soil and Water Conservation District | Source Water Assessment assistance in collection of biological samples, examination and identification professional scientific and technical services related to processing of environmental and biological samples. |
| Alabama Clean Water Partnership Tennessee Valley RC&D | coliphage analyses for groundwater sources in Alabama to properly care for a septic system. In addition this program will assist homeowners with septic tank pumpouts and in the identification of septic systems The contract provides for the funding to enable the contractor to write BMP sheets for Alabama Aquaculture. |
| | a statewide coordinator to facilitate onsite disposal system (OSDS) education and outreach and technology transfer to a higher level of management. |
| | Development of a comprehensive watershed management plan for the Upper Coosa River Basin. |
| | and implementation assistance to communities to host groundwater festivals, as directed in FY2001 Clean Water Act Section 319 Project 26 Workplan. |
| | Development of the Lower Coosa River Basin Watershed Management Plan. |
| | Facilitator for the Tennessee River Basin Clean Water Partnership. |

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| Alabama Soil and Water Conservation Committee | an electronic reporting system design instead of a paper trail used by the previous required EPA 319 Assessment program 5 years ago. |
| Tennessee Valley RC&D | Continuation of a dynamic and effective nutrient management strategy to remove poultry litter from highly concentrated areas in high priority watersheds. |
| Alabama A&M University Auburn University - Alabama Cooperative Extension System | the establishment of a riparian buffer zone and filter strip along Hester Creek to abate the effects of urban stormwater pollution. |
| Alabama Department of Agriculture and Industries Lauderdale County Soil and Water Conservation District | Coordination of stream restoration workshops. |
| Alabama Clean Water Partnership CAWACO Resource Conservation and Development Council DeKalb County Soil & Water Conservation District | Support of a pesticide waste collection program in priority impacted watersheds. Implementation of a watershed project on the Cypress Creek located in Lauderdale County. |
| DeKalb County Soil & Water Conservation District | a singularly focused holistically targeted river basin/watershed approach to water quality protection. |
| DeKalb County Soil & Water Conservation District | to properly care for a septic system. In addition this program will assist homeowners with septic tank pumpouts and in the identification of septic systems. |
| DeKalb County Soil and Water Conservation District | Implementation of a watershed management project on Short-Scarham Creek in DeKalb and Marshall Counties. |
| Auburn University | Implementation of a watershed management project on Town Creek located in DeKalb County. |
| Alabama Coastal Foundation Alabama Department of Agriculture and Industries Auburn University-Alabama Cooperative Extension System | Implementation of a watershed management project for South Sauty Creek in DeKalb County. |
| Troy State University | Implementation of a watershed management project in portions of the Coosa River located in Dekalb County. |
| | partial staffing and program support for the Alabama statewide volunteer monitoring program. |
| | stakeholders of Wolf Bay for guidance in future project implementation to protect water quality. |
| | Support of a pesticide waste collection program in priority impacted watersheds Assistance for Agricultural Producer/ Home Environment/ Small Business" in order to update the improvements in technologies and techniques which have evolved in Nonpoint Source Education Program, as directed in the FY2001 Clean Water Act Section 319 Workplan #5. |

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| Alabama Soil & Water Conservation Committee (ASWCC) | all Section 319 project cooperative agreements with the ASWCC. The WQC will serve as an important link between the ASWCC and its partners (ADEM, NRCS). This contract provides for sedimentation monitoring for Point A and Gantt Reservoir I.e., lake in northern Covington County, Alabama. is caused primarily by sediment from dirt roads. (See FY 2001, Project 12, CWA Section 319 (h) workplan). |
| Geological Survey of Alabama (GSA) Covington Co. Soil & Water Conservation District (SWCD) | All Department of Conservation and Natural Resources Terry D. Stripling & Associates, L.L.C. |
| New Brockton Water Department Mobile County Soil and Water Conservation District Board of Trustees of Illinois and Illinois St Water Survey Water Works & Sanitary Sewer Bd of the City of Montgomery | Delineation of the swap and id of potential contaminant sources within swa with WRP stakeholders; and write, electronically produce/print, and distribute the WRPs payment of cost for chemical analysis of atmospheric deposition samples done by the Illinois State Water Survey Central Analytical Lab funding for the implementation of several components of the Catoma Creek Watershed Management Plan Development of the Tombigbee River Basin Management Plan |
| Alabama Clean Water Partnership Lauderdale County Soil and Water Conservation District | Development of the Alabama River Basin Management Plan implementation of a watershed project in the Second Creek/First Creek Watershed in Lauderdale County. |
| Alabama Clean Water Partnership Tennessee Valley RC&D Tombigbee Resource Conservation and Development Council | Development of the Tallapoosa River Basin Management Plan The demonstration of hydro-seeding equipment as a cost-effective erosion and sediment control management for critically eroding areas. Chitto Creek Watershed by using site-specific precision agriculture technology as a nonpoint source pollution runoff management measure to address water quality In house poultry litter management to reduce volumes. |
| Tennessee Valley RC&D Cullman County Soil and Water Conservation Committee | Temporary Litter Storage Facilities for Certified Animal Waste Vendors. |

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| Morgan County Soil and Water Conservation District | and maintain beneficial uses of water, maintain water quality standards, and facilitate removal of Cotaco Creek from the CWA 303(d) list. |
| Flint Creek Watershed Conservancy District | and maintain beneficial uses of water, maintain water quality standards, and facilitate removal of Mack Creek and Robinson Creek from the CWA 303(d) list. |
| DeKalb County Soil and Water Conservation District (SWCD) | and facilities in the Scartham Creek watershed by providing a demonstration and educational site in this highly agricultural area to help reduce pesticide |
| Alabama Soil and Water Conservation Committee | Sites and Urban Areas in Alabama" manual. Seminars and training sessions will be developed. |
| Montgomery Water Works & Sanitary Sewer Board | resources to fund an Alabama Clean Water Partnership Facilitator for the Tallapoosa Water Basin. |
| City of Valley | Clean Water Partnership facilitator for the Chattahoochee-Chipola Watersheds |
| Auburn University Fisheries Department | Alabama Citizen's Volunteer Monitoring Program. |
| Alabama Clean Water Partnership | a singularly focused holistically targeted river basin/watershed approach to water quality protection. |
| Alabama Clean Water Partnership Inc. | Facilitator for the Alabama & Tombigbee River Basin Clean Water Partnership |
| Choc-Pea and Yellow Rivers Watershed Management Authority | Resources to fund an Alabama Clean Water Partnership Facilitator for the Choctahatchee-Pea and Yellow River Basins. |
| CAWACO RC&D Council | Clean Water Partnership facilitators for the Black Warrior and Cahaba River Basins. |
| Alabama Soil and Water Conservation Committee (ASWCC) | cooperative agreements with the ASWCC. The WQC will serve as an important link between the ASWCC and its partners (ADEM, NRCS). See FY 2002, project |
| Alabama Department of Agriculture and Industries | Support of a pesticide waste collection program in priority impacted watersheds. stakeholders; composition, reproduction, and distribution of a Watershed Restoration Plans for the Locust Fork, Mulberry Fork and Five Mile Creek sub-WRP stakeholders; and write, electronically produce/print, and distribute the WRPs |
| CAWACO RC&D Council | delineation of the source water areas I And II around each active public water supply well And to identify all potential contaminant sites within the delineated area |
| CAWACO RC&D | delineation of the source water areas I And II around each active public water supply well And to identify all potential contaminant sites within the delineated area |
| Canoe Water & Fire Protection Authority | |
| Plantersville Water System | |

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| Water Works, Inc | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Town of Blue Springs | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Searcy Hospital | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Millry Water Works | delineation of the source water areas I and II around each active public water supply well And to identify all potential contaminant sites within the delineated area |
| Wilsonville Water Works | delineation of the source water areas I and II around each active public water supply well And to identify all potential contaminant sites within the delineated area |
| Town of White Hall | delineation of the source water areas I and II around each active public water supply well And to identify all potential contaminant sites within the delineated area |
| City of Winfield Water Works & Sewer Board | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Riverview Water System | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Brilliant Water Works | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Millers Ferry Water Authority | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Town of Goshen | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Star Mindingall Water Authority | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| City of Robertsdale | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Red Bay Water Works and Gas Board | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| Nectar Water Department | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| West Barbour County Water Authority | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |
| City of Linden | delineation of the source water areas I and II around each active public water supply well and to identify all potential contaminant sites within the delineated area |

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| Association of Boards of Certification | Certification examination services for water and wastewater operators. |
| Alabama Water and Wastewater Institute | Training opportunities for wastewater and water operators throughout Alabama. |
| Alabama Water Environment Association | Training opportunities for wastewater and water operators. |
| Alabama Water Pollution Control Association | Training opportunities for Water and Wastewater operators throughout Alabama |
| Alabama Rural Water Association | Water and wastewater operator training courses throughout Alabama |
| Regional Planning Commission of Greater Birmingham | Action Program, which includes payment to the blast fax service to broadcast the ADEM ozone forecast. |
| RLR Associates | taxonomic and sample collection training for ADEM personnel, species-level identification of some algal types, and data interpretation and analysis the development and implementation of a monitoring and public notification program of recreational water quality in coastal Alabama |
| Alabama Department of Public Health Waste Reduction and Technology Transfer Foundation (WRATT) | funding to identify and reduce sources of mercury discharging to the Mobile Bay Estuary |
| U S Geological Survey | collection of stream flow data at ADEM trend stations and support of surface water gaging-station network |
| Tetra Tech, Inc. | technical support related to development of Total Maximum Daily Loads (TMDLs). |
| State Oil and Gas Board | administration of the Underground Injection Control Program for Class III wells in Alabama |
| Water Works & Sanitary Sewer Bd of the City of Montgomery | Clean Water Partnership facilitator for the Tallapoosa River Watershed. |
| Alabama Soil & Water Conservation Committee | This contract will provide a statewide Erosion and Sediment Control project coordinator to provide education and training to a multitude of stakeholders. |
| Auburn University | This will provide for the continuation of the Citizen's Voluntary Monitoring program began in 1992. |
| Alabama Soil & Water Conservation Committee | promotes the establishment of partners and provides for a successfully proven method of identifying impairments and ranking methods of implementation for Clean Water Partnership facilitator for the Choctawhatchee, Pea and Yellow Rivers Watershed |

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| CAWACO RC&D Council | Clean Water Partnership facilitator for the Cahaba Watershed non-point source conference and a Clean Water Partnership facilitator for the Alabama Tombigbee Watershed |
| Alabama Clean Water Partnership | the enhancement of public awareness of the impacts of nonpoint source pollution. |
| Alabama Clean Water Partnership | Clean Water Partnership facilitator for the Coosa Watershed |
| Coosa Valley RC&D Council Covington County Soil & Water Conservation District | Alabama Clean Water Partnership facilitator for the Conecuh-Sepulga Watershed |
| CAWACO RC&D Council Central AL Regional Planning & Development Commission South Alabama Regional Planning Commission | Clean Water Partnership facilitator for the Black Warrior watershed Catoma Creek Park pre-development plan. locating, mapping and plotting the existing sewer and storm water facilities within the Eight mile Creek Watershed. |
| Northwest AL Council of Local Governments East AL Regional Planning & Development Commission | development of a wastewater facilities plan for the Ford City Community. |
| Alabama Rural Water Association | Prepare a Lake Wedowee Resource Management & Protection Plan assistance and training to rural water systems in complying with State and federal drinking water regulations |
| U S Geological Survey Northwest Alabama Council of Local Governments Central Alabama Regional Planning & Development Commission Northwest Alabama Council of Local Governments | collection of stream flow data at ADEM trend stations and support of surface water gaging-station network the development of a stormwater drainage study for the Town of Vina, to include its new industrial park study of the water quality of Swift Creek and Little Mulberry Creek in Autauga County and submittal of a report which includes monitoring data development of a wastewater facilities plan for the Town of Vina including its new industrial park |
| East Alabama Regional Planning Commission | Tallapoosa Watershed for adaptation in the Middle Tallapoosa Watershed and the Chattahoochee River Watershed |
| Alabama Rural Water Association | assistance and training to rural water systems in complying with State and federal drinking water regulations |

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| Board of Trustees of Illinois and Illinois St Water Survey | payment of cost for chemical analysis of atmospheric deposition samples done by the Illinois State Water Survey Central Analytical Lab |
| AUBURN UNIVERSITY | NON PT SOURCE-FLINT CREEK WS |
| AL DEPARTMENT OF PUBLIC HEALTH | DEVELOP BMP-SMITH STATION AREA |
| AUBURN UNIVERSITY TENNESSEE VALLEY RESOURCE & CONSERVATION | ROTATIONAL GRAZING DEMO CATTLE |
| ALABAMA SOIL AND WATER CONSERVATION | STORM WATER POLLUTION |
| ALABAMA SOIL AND WATER CONSERVATION | NONPOINT SOURCE |
| CHILTON COUNTY SOIL & WATER CONSERVATION | BIOENGINEERING TECH TN RIVER |
| GEOLOGICAL SURVEY OF ALABAMA | BUILD CHEMICAL & MIXING FAC. |
| ***** | UPDATE GROUNDWATER ASSESSMENT |
| Mobile County Soil and Water Conservation District Covington County Soil and Water Conservation District Alabama Soil and Water Conservation Committee | achieve improved water quality through a decrease in pathogen loads to Juniper Creek and act as an educational tool River Basin Management Plan for the Conecuh, Sepulga, and Blackwater River Sub-Basins. Funding to address protection of water quality through implementation of citizen's based Plans of Action. |
| BARBOUR COUNTY SOIL AND WATER AL DEPT OF ECONOMIC & COMMUNITY AFFAIRS CHOCCOLOCCO CREEK CONSERVATION DISTRICT | BMP IMP CHOCTAWATCHEE RIVER ACTIVITY COORD WEEKS BAY BMP IMP FOR CHOCCOLOCCO CREEK practices necessary for the remediation or prevention of habitat loss or degradation of various threatened and endangered flora and fauna associated with Creek watersheds and to monitor improvement in groundwater quality as related to implementation of the Clean Water Action Plan. Paint Rock Watershed Conservancy District Wallace State College |

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| ALABAMA FORESTRY COMMISSION ALA SOIL & WATER CONSERVATION COMM | SILVICULTURAL RUNOFF CWAP CWAP PRIORITY WTRSHEDS (CBEP) |
| AUBURN UNIVERSITY | CITIZEN VOL WTR QUAL MONITOR |
| TROY STATE UNIVERSITY | CLEAN WTR STAKEHOLDER EDUCATIO |
| LAWRENCE COUNTY SOIL & WATER LIMESTONE COUNTY SOIL & WATER BIRMINGHAM REGIONAL PLANNING COMMISSION | BMP/ BIG NANCE CREEK BMP/ PINEY CREEK ED OUTREACH LOCAL OFFICIALS |
| CULLMAN COUNTY SOIL & WATER Auburn University - Alabama Cooperative Extension System | IMP WTRSHEP PROJECT coordination of stream restoration workshops. Technical assistance in the Lower Cahaba River and Black Warrior River basins for implementation of BMP's. Funding for Best management practices in priority watersheds within the Black Warrior River Basin. |
| Alabama Department of Industrial Relations | Funding to implement best management practices at acid mine drainage sites. |
| Alabama Forestry Commission | Training for Foresters and other forestry related agency personnel. |
| UNIVERSITY OF ALABAMA HUNTSVILLE ALABAMA SOIL AND WATER CONSERVATION COMM | GRDWTR FEST/BLK WARR & CAHABA ED OUTREACH BLACK WARRIOR RIV |
| ALABAMA SOIL & WATER CONSERVATION COMM ALABAMA SOIL & WATER CONSERVATION COMM | IMP CAHABA RIVER NPS ASSESSMTS CAHABA RIVER NPS EDUCATION |

ALABAMA SOIL & WATER
CONSERVATION COMM
ALABAMA SOIL & WATER
CONSERVATION COMM

Waste Reduction and Technology Transfer
Foundation

INSTALL BMP CAHABA RIVER BASIN

IMP VOLUNTEER MONITORING PROG

BLACK WARRIOR/CITIZEN MONT PRO

BLACK WARRIOR WTR QUAL COMM

BLACK WARRIOR BMP

On-site technical assistance in Alabama Schools to address the recycling, reuse
and proper disposal of electronic equipment

Question 6.
Attachment 3
State Contract Language
MBE/WBE Utilization Report for FY03

STATE OF ALABAMA
MONTGOMERY COUNTY)

COOPERATIVE AGREEMENT BETWEEN
«CONTRACTEE»
AND THE ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

This Agreement is entered into between «Contractee» (Contractor) and the Alabama Department of Environmental Management (Department) pursuant to an appropriation by the U.S. Environmental Protection Agency. This Agreement will provide for «ProjectDescription».

The parties hereto agree as follows:

1. Scope of Services

The Contractor will provide services as set out in this Agreement as Attachment A and which is incorporat

Revised
11/6
es, which is included with herein.

2. Payment

A. The Department agrees to reimburse amount not to exceed «ADEMDollars» for the services performed under this Agreement. Unless otherwise specified in the workplan, mileage, travel and per diem costs will be reimbursed in accordance with state law.

B. The Contractor shall submit invoices in triplicate not more than once per quarter to the Department for actual costs incurred. The final invoice shall be submitted within ninety (90) days of expiration of this Agreement.

C. In the case of non governmental agencies, prior to the purchase of any items or the execution of any printing contracts under this agreement with a value less than \$1,000.00, one quote or attempt for a quote of outside costs, including but not limited to copying costs and freight terms, must be obtained. For items with a value from \$1,000.00 to \$3,000.00, two such quotes or attempts for quotes must be obtained. For items with a value of \$3,000.00 or greater, three such quotes or attempts for quotes must be obtained. The purchase of any items or the execution of any contract shall comply with the Alabama Bid Laws Sections 41-16-20 et. Seq. of the Code of Alabama (1975).

D. The Contractor agrees to provide «ContracteeMatchingDollars» in nonfederal funds or services on the project, in addition to the amount noted in subparagraph 2A. The Contractor shall submit in triplicate, quarterly statements itemizing the expenditure of those matching funds.

3. Term of Agreement

All work performed under this Agreement shall begin on the date on which this Agreement is executed, and shall terminate on «ContractEndDate». This Agreement is conditioned upon the receipt of sufficient funds from the Alabama Legislature and/or the U.S. Environmental Protection Agency and is subject to termination in the event of proration of the fund from which payment under this Agreement is to be made. If the term of this Agreement extends beyond one fiscal year, this Agreement is subject to termination in the event that funds are not appropriated for the continued payment of the contract in subsequent fiscal years. This Agreement may be amended by the mutual written agreement of both parties.

4. Termination of Agreement for Cause

If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner its obligation under this Agreement, or if the Contractor shall violate any of the covenants, agreements or stipulations of this Agreement, the Department shall thereupon have the right to terminate this

Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. In that event, any finished or unfinished studies, reports or other work by the Contractor shall, at the option of the Department, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed under this Agreement.

5. Termination for Convenience of the Department

The Department may terminate this Agreement at any time by giving written notice to the Contractor of such termination and specifying the effective date thereof, at least 30 days before the effective date of such termination and under the same conditions as herein set forth for the Department, the Contractor may cancel this Agreement. In the event of cancellation, all finished or unfinished studies, reports or other work by the Contractor shall, at the option of the Department, become its property. If the Agreement is terminated by the Department as provided herein, the Contractor shall be paid for all work satisfactorily completed prior to termination.

6. Changes

The Department may, from time to time, require changes in the scope of services of the Contractor to be performed hereunder. Such changes, including any increases or decreases in the amount of the Contractor's compensation, which are mutually agreed upon by and between the Department and the contractor shall be incorporated in written amendments to this Agree

7. Equal Employment Opportunity

There shall be no discrimination against any employee who is employed in the service by this Agreement, or against any applicant for such employment, because of race, color, national origin, age or disability covered by the Americans with Disabilities Act. This shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training including apprenticeship. The Contractor shall insert a similar provision in all subcontracts for services covered by this Agreement.

8. Interest of Members of the Department and Others

No officer, member or employee of the Department and no members of the Management Commission, and no other public official of the governing body of the localities in which the project is situated or being carried out who exercise any responsibilities in the review or approval of the undertaking or carrying out of the project shall participate in any decision relating to this Agreement which affects his personal interest, personal or pecuniary interest, direct or indirect, in this agreement or the proceeds thereof.

9. Assignability

The Contractor shall not assign any interest in this Agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the Department.

10. Findings Confidential

Any reports, information, data, etc., given to or prepared or assembled by the Contractor under this Agreement which the Department requests to be kept as confidential shall not be made available to any individual or organization by the Contractor without the prior written approval of the Department, unless such confidentiality would be contrary to the law of the State of Alabama or the United States.

11. Acknowledgment

Videos, films, computer disks, printed information or other materials produced for dissemination under this agreement must include the following acknowledgment:

"This project was funded or partially funded by the U.S. Environmental Protection Agency and the Department of Environmental Management."

12. Reproducible Materials

Any printed information, photographs or art works delivered to the Department under this agreement shall be camera ready and/or computer ready as appropriate. The master tape of any video or audio productions will be delivered to the Department in an immediately reproducible form. Any computer program generated under this agreement will be delivered to the Department in an original and immediately reproducible form.

13. Officials Not to Benefit

No member of or delegate to the Congress of the United States of America, and no resident commissioner, shall be admitted to any share or part hereof or to any benefit to arise herefrom.

14. Copyright

No reports, maps, or other documents or products produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the contractor.

15. Audits and Access to Records

The Contractor shall have financial statements prepared and audited in accordance with generally accepted auditing standards and if applicable the Contractor shall conduct an audit in accordance with the requirements of OMB Circular A-133. The Contractor shall provide the Department with a copy of its audit report covering the period of this contract within thirty (30) days of receipt by the Contractor of the auditor's report.

The Contractor agrees that the comptroller General of the United States or any of his/her duly authorized representatives, the Secretary of Commerce or any of his/her duly authorized representatives, the Director of ADEM or any of his/her duly authorized representatives, and the Chief Examiner of the Department of Examiners of Public Accounts and any of his/her duly authorized representatives shall, until the expiration of three (3) years from the date of submission of the final financial report, have access to and the right to audit, examine, and make excerpts or transcripts from any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this Agreement. The Contractor agrees to provide access to any or all documents, papers, records and directly pertinent books of the Contractor involving transaction related to this Agreement upon written request from the Director of ADEM.

16. Taxes

The Contractor is responsible for reporting and making payment of any applicable federal and state taxes which may be due as a result of payments received pursuant to this Agreement.

17. Contractor Not Entitled to Merit System Benefits

In the case of Non-State Agencies under no circumstances shall the Contractor or any of its employees be entitled to receive the benefits granted to State employees under the Merit System Act by reason of this Agreement.

18. Not to Constitute a Debt of the State/Settlement of Claims

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this contract shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this contract, be enacted, then the conflicting provision in the contract shall be deemed null and void.

For any disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such

disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General's Office. Administrative hearings or where appropriate, private mediators.

19. Requisite Reviews and Approvals

«Contractee» acknowledges and understands that this contract is not effective until it has received all requisite state government approvals and «Contractee» shall not begin performing work under this contract until notified to do so by the Alabama Department of Environmental Management. «Contractee» is entitled to no compensation for work performed prior to the effective date of this contract.

«CONTRACTEE»

By: _____
«DesignatedSignee»,
«DesignatedTitle»

Finance Director of Alabama

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

By: _____
James W. Warr,
Director

Governor of Alabama

As to Legal Form

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement on this the _____ day of _____, 2001.